IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1079 (S/S) of 2007

Smt. Meena Rawat W/o Sri Ashok Kumar Rawat
Presently serving as Assistant Teacher, Primary School, Satyaon
Almora -------Petitioner

Versus

1. State of Uttarakhand through Secretary, Basic Education, Secretariat, Dehradun
2. District Education Officer, Almora
3. Additional District Education Officer (Basic), Almora

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.S. Patni, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the impugned order dated 11.06.2007, by which the petitioner, who is working as an Assistant Teacher in Primary School, Satyaon, Block Lamgarha, District Almora, has been adjusted to Primary School, Aarukhan.

The petitioner has attacked the impugned order mainly on two grounds. First ground of attack is that the husband of the petitioner is also working as Assistant Teacher in Government High School at Basar, Almora and the petitioner has been transferred far away from her present place of posting, while there is guideline issued by the State Government that husband and wife, if in service of Uttarakhand Government as far as possible, they may be posted at one place or nearby. Learned counsel for the petitioner

has prayed that the petitioner could have been transferred in a nearby place where the post is vacant.

I do not find any force in the submission made by the learned counsel for the petitioner as the guideline provides to place the husband and wife at one place as far as it is possible, but the department is not bound to place husband and wife at one place in each and every case.

The second ground of attack is that the petitioner has been adjusted on the ground that she is working against the standard strength of teachers in the school, however, as alleged by the petitioner, she is not working against the standard strength of teachers in the school. Learned counsel for the petitioner has submitted that an enquiry was also conducted in this regard, but the respondents have paid no heed on that enquiry.

In the circumstances aforesaid, I deem it fit and proper to direct the petitioner to make fresh representation, raising all her grievances, to respondent no. 2. i.e., District Education Officer, Almora within a period of 10 days from today and respondent no. 2 is also directed to decide the representation of the petitioner by speaking order on all the grounds raised by the petitioner within a period of two weeks from the date of production of a certified copy of this order along with the representation, if any, before him. While deciding the representation of the petitioner, on the issue that whether the petitioner is working in the present school in excess of the standard strength fixed by the department or not, respondent no. 2 shall also consider the finding of the inquiry report, if any conducted.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

16.08.2007
VKS